

Response Under 37 CFR 1.116

Expedited Procedure

Examining Group 2621

Application No. 09/809,405

Paper Dated: March 3, 2008

In Reply to USPTO Correspondence of November 2, 2007

Attorney Docket No. 5327-010251

REMARKS

Applicants respectfully request reconsideration of the rejections in the final Office Action dated November 2, 2007 in view of the following remarks. Claims 1-8 and 10-15 are currently pending for examination, with claim 1 being an independent claim.

Rejections Under 35 U.S.C. §103(a)

Claims 1-8 and 10-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over European Patent Application Publication No. EP 0254192 to Enkelmann et al. (hereinafter "Enkelmann") in view of United States Patent No. 5,793,308 to Rosinski et al. (hereinafter "Rosinski"). This rejection is respectfully traversed for the following reasons.

Claim 1 is directed to an industrial truck comprising a driver's seat 4 oriented in a forward direction, at least one screen 6 located in the vicinity of the driver's seat 4, and a counterweight 10 located on the rear of the truck. A first camera 7 is mounted on the rear of the industrial truck to the rear of the driver's seat 4 and above the counterweight 10 at a first height and points toward the rear of the industrial truck. At least one additional camera 11 is mounted on the rear of the industrial truck to the rear of the driver's seat 4 and on an upper segment of the driver's cab 3 at a height greater than the first height. The at least one additional camera 11 is also directed toward the rear of the industrial truck. The first camera 7 provides a view of a distant area and the at least one additional camera 11 provides a view of a near area behind the industrial truck. The image taken with the first camera 7 and/or the image taken with the at least one additional camera 11 can be displayed on the screen 6.

The Examiner asserts that it would have been obvious to one of ordinary skill in the art to modify Enkelmann to incorporate at least one additional camera directed toward the rear of the industrial truck and providing a view of the near area behind the industrial truck as allegedly taught by Rosinski in order to modify and increase the field of view of the operator in the industrial truck of Enkelmann. Applicants respectfully disagree.

Applicants respectfully submit that in order to establish a *prima facie* case of obviousness, three criteria must be met. First, the modification or combination must have some

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reasonable expectation of success. Second, the prior reference or combined references must teach or suggest all the claim limitations. MPEP §2143. Finally, an apparent reason for one of ordinary skill in the art to combine the prior art teachings to reach the claimed invention should be identified. *KSR Int'l Co. v. Teleflex, Inc.*, 82 USPQ2d 1385 (U.S. 2007). The analysis of an obviousness finding should be made explicit. *Id.*

With regard to independent claim 1, the claim recites specific claim language as to "at least one additional camera directed toward the rear of the industrial truck, wherein the at least one additional camera is mounted on the rear of the industrial truck to the rear of the driver's seat and on an upper segment of the driver's cab at a height greater than the first height (i.e., the height of the first camera), wherein . . . the at least one additional camera provides a view of a near area behind the industrial truck". Applicants respectfully submit that Enkelmann and Rosinski, taken separately or combined, fail to teach or suggest the above-mentioned subject matter.

Enkelmann discloses a camera 2" in Fig. 2 directed toward the rear of the industrial truck 16. Enkelmann also discloses that a further camera can be mounted at the front or rear of the industrial truck for measurement of the distance of an obstacle. The images of the two cameras looking in the same direction are superimposed so that a computer can calculate the distance of the obstacle. The calculated distance is displayed to the driver (Enkelmann at column 5, lines 14-15). However, Enkelmann also teaches that for this distance measurement, it is necessary that both cameras are mounted at the same height and on a common horizontal plane (Enkelmann at column 5, lines 32-47). The calculated distance can be used for the automatic control of the industrial truck (Enkelmann at column 5, lines 48-56). Further, Enkelmann at column 2, lines 39-50 discloses that the Enkelmann camera is equipped with a different focal length or zoom lens. This allows the driver of the industrial truck to zoom in distant objects (Enkelmann at column 5, lines 46-47). Thus, Enkelmann clearly teaches either a single camera with a zoom lens or different optical length to detect distant objects and near objects or if an additional camera is used, both cameras are mounted at the same height (Enkelmann at column

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5, lines 32-47). Therefore, the teachings of Enkelmann would give no reason for the person of ordinary skill in the art to provide an additional camera above the first camera with the additional limitations set forth in claim 1.

According to the Examiner, Rosinski teaches multiple camera arrangements on the rear of a vehicle as depicted in Figure 13A, for example. According to the Examiner, Rosinski teaches that any one of the upper cameras provides a view of the rear area behind the industrial truck and could be incorporated into the industrial truck of Enkelmann in order to reach the above-mentioned claimed subject matter. Applicants respectfully disagree.

Rosinski specifically states the following at column 4, lines 33-36:

Either of the imager arrangements is preferably operated with imagers (lenses or cameras) located as shown in FIGS. 4-16. Further, each system is preferably used with fish-eye lenses to obtain a maximum field of vision for each imager.

Thus, Rosinski teaches the use of multiple cameras providing the same field of view of the rear of the vehicle but at different heights. Rosinski does not teach or suggest a camera which provides a view of the rear area behind the vehicle mounted at a height greater than a first height of a first camera. Moreover, Rosinski does not teach or suggest that the cameras are angled upwardly or downwardly. It is more likely that the configurations of upper cameras taught by Rosinski are provided to give a view of a distant area while the lower cameras are provided to give a view of the rear area behind the vehicle since the upper mounted cameras are mounted too high to capture the rear area behind the vehicle, as is shown in Figures 7A, 8B, 13A, 15C, 15D or 16C.

Applicants submit that claim 1 is allowable over Enkelmann and Rosinski for at least the foregoing reasons. Applicants respectfully request that the Examiner withdraw the rejection of claim 1 for being unpatentable over Enkelmann in view of Rosinski under §103(a).

Claims 2-8 and 10-15 are dependent upon independent claim 1 and are allowable over Enkelmann and Rosinski for at least the same reasons as claim 1. Applicants respectfully

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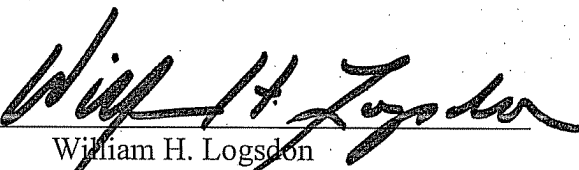
request that the Examiner withdraw the rejections of claims 2-8 and 10-15 for being unpatentable over Enkelmann in view of Rosinski under §103(a).

CONCLUSION

In view of the above remarks, reconsideration of the rejections and allowance of claims 1 and 2 are respectfully requested.

Respectfully submitted,

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